

CERTIFICATION OF EMERGENCY RULES
FILED WITH LEGISLATIVE REFERENCE SERVICE
JERRY L. BASSETT, DIRECTOR

Pursuant to Code of Alabama 1975, §§41-22-5(b) and 41-22-6(c) (2)a. and b.

I certify that the attached emergency rule is a correct copy as promulgated and adopted on the 17th day of July, 2015.

AGENCY NAME: Secretary of State

RULE NO. AND TITLE: 820-2-10-.04-.24ER Return Of Absentee Ballots.

EFFECTIVE DATE OF RULE: July 17, 2015.

EXPIRATION DATE (If less than 120 days): _____

NATURE OF EMERGENCY: This emergency rule is necessary to clarify the requirements for overseas voters returning an absentee ballot electronically for the Montgomery Municipal Election to be held on August 25, 2015, and Municipal Runoff Election to be held on October 6, 2015. The aforesaid election has been selected by the Secretary of State, in cooperation and with the approval of the City of Montgomery, to serve as a pilot project regarding the transmittal of blank absentee ballots and electronic return of the voted absentee ballots in preparation for the 2016 election cycle.

STATUTORY AUTHORITY: Code of Ala. 1975, §§17-11-40 et seq., 17-11-12.

SUBJECT OF RULE TO BE ADOPTED ON PERMANENT BASIS ____ YES X NO

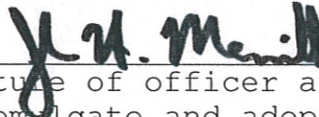
NAME, ADDRESS, AND TELEPHONE NUMBER OF PERSON TO CONTACT FOR COPY OF RULE:

REC'D & FILED

JUL 17 2015

LEGISLATIVE REF SERVICE

Jean Brown, Chief Legal Advisor
Office of the Secretary of State
State Capitol
Montgomery, AL 36104
(334) 272-7202


Signature of officer authorized
to promulgate and adopt rules and
regulations or his or her deputy

FILING DATE
(For APA Use Only)

AMENDED

OFFICE OF THE SECRETARY OF STATE
ADMINISTRATIVE CODE

820-2-10-.04-.24ER Return Of Absentee Ballots.

(1) After the voter marks his or her choices on the ballot, the voter shall:

(a) Complete the absentee affidavit or "Overseas Voter Certificate" as applicable.

(i) When the voter has requested that the blank absentee ballot be delivered by U.S. mail or hand-delivery, complete the absentee affidavit as required by §17-11-7, Code of Ala. 1975.

(ii) When the voter has requested electronic transmission of the blank absentee ballot, complete the "Overseas Voter Certificate" as required by §17-11-46, Code of Ala. 1975.

(b) when the voter has requested electronic transmission of the blank absentee ballot, insert and seal the ballot in a blank envelope for secrecy and not write any personally identifying information on the envelope; then insert and seal the blank envelope (which contains the voted ballot) and the completed Overseas Voter Certificate into a second envelope to be used for returning the absentee ballot to the appropriate absentee election manager by hand-delivery, U.S. mail, or commercial air or ground carrier; or, when the voter has requested electronic transmission of the blank absentee ballot, that voter may choose to return the voted ballot and completed Overseas Voter Certificate via secure electronic transmission to the local absentee election manager;

(c) when the voter has requested that the blank absentee ballot be delivered by U.S. mail or hand-delivery, insert and seal the voted ballot into the secrecy envelope; then insert and seal the secrecy envelope into the envelope on which is printed the absentee affidavit and which is used as the return envelope for delivering the ballot to the absentee election manager by hand-delivery, U.S. mail, or commercial air or ground carrier; and

(d) return the absentee ballot by hand-delivery, U.S. mail, or commercial air or ground carrier, to the appropriate absentee

election manager using the address information provided by the absentee election manager or, when the voter has requested electronic transmission of the blank absentee ballot, that voter may choose to return the voted ballot via secure electronic transmission to the absentee election manager.

(2) In the event a voter does not place the absentee ballot inside a secrecy envelope, the absentee election manager shall immediately upon discovery insert and seal the voter's ballot into a secrecy envelope and place inside an envelope of sufficient size the secrecy envelope, the absentee affidavit or "Overseas Voter Certificate" as applicable, and the envelope used by the voter to deliver the ballot.

(3) In the event a voter chooses to return the completed ballot via secure electronic transmission to the local absentee election manager as authorized in (1)(b),

(a) the absentee election manager shall determine if the electronic voted ballot is to be accepted or rejected;

(b) the absentee election manager shall print the electronic ballot if accepted, including supporting documentation; and

(c) the absentee election manager shall then place and seal the accepted voted ballot in a secrecy envelope and store with the other voted absentee ballots until they are to be counted on election day by the absentee election officials.

Author: Edward Packard, Jean Brown, William Sutton.

Statutory Authority: Code of Ala. 1975, §§17-11-40 *et seq.*, 17-11-12.

History: New Rule: Filed March 28, 2014; effective May 2, 2014. **Amended:** Filed July 17, 2015; effective July 17, 2015.

AMENDED

OFFICE OF THE SECRETARY OF STATE
ADMINISTRATIVE CODE

820-2-10-.04-.24ER Return Of Absentee Ballots.

(1) After the voter marks his or her choices on the ballot, the voter shall:

(a) complete the absentee affidavit or "Overseas Voter Certificate" "UOCAVA Affidavit", including the section for two witnesses as applicable. required by §17-11-7;

(i) When the voter has requested that the blank absentee ballot be delivered by U.S. mail or hand-delivery, complete the absentee affidavit as required by §17-11-7, Code of Ala. 1975.

(ii) When the voter has requested electronic transmission of the blank absentee ballot, complete the "Overseas Voter Certificate" as required by §17-11-46, Code of Ala. 1975.

(b) when the voter has requested electronic transmission of the blank absentee ballot, insert and seal the ballot in a blank envelope for secrecy and not write any personally identifying information on the envelope; and then insert and seal the blank envelope (which contains the voted ballot) and the completed Overseas Voter Certificate UOCAVA Affidavit into a second envelope to be used for returning the absentee ballot to the appropriate absentee election manager by hand-delivery, U.S. mail, or commercial air or ground carrier; or, when the voter has requested electronic transmission of the blank absentee ballot, that voter may choose to return the voted ballot and completed Overseas Voter Certificate via secure electronic transmission to the local absentee election manager;

(c) when the voter has requested that the blank absentee ballot be delivered by U.S. mail ~~Mail~~ or hand-delivery, insert and seal the voted ballot into the secrecy envelope; ~~and~~ then insert and seal the secrecy envelope into the envelope on which is printed the "UOCAVA Affidavit" and which is used as the return envelope for delivering the

ballot to the absentee election manager by hand-delivery, U.S. mail, or commercial air or ground carrier; and

(d) return the absentee ballot by hand-delivery, U.S. mail, or commercial air or ground carrier, to the appropriate absentee election manager using the address information provided by the absentee election manager or, when the voter has requested electronic transmission of the blank absentee ballot, that voter may choose to return the voted ballot via secure electronic transmission to the absentee election manager.

(2) In the event a voter does not place the absentee ballot inside a secrecy envelope, the absentee election manager shall immediately upon discovery insert and seal the voter's ballot into a secrecy envelope and place inside an envelope of sufficient size the secrecy envelope, the UOCAVA Affidavit, and the envelope used by the voter to deliver the ballot.

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(a) the absentee election manager shall determine if the electronic voted ballot is to be accepted or rejected;

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